

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
DELTA DIVISION**

**ROBERT HAMEL
ADC #119952**

PLAINTIFF

v. **No: 2:20-cv-00038 JM-PSH**

ROY L. WILLIAMS, *et al.*

DEFENDANTS

ORDER

Plaintiff Robert Hamel filed a *pro se* complaint, pursuant to 42 U.S.C. § 1983, on February 24, 2020, while incarcerated (Doc. No. 2). Once all pending dispositive motions were resolved and the case was ready for trial, Degen Duane Clow was appointed to represent Hamel (Doc. No. 62), and the case was set for trial the week of March 13, 2023 (Doc. No. 65). A settlement conference with United States Magistrate Judge Patricia S. Harris was scheduled for March 13, 2023 (Doc. No. 73). That conference was canceled after Plaintiff's counsel notified the Court that plaintiff had been paroled, was in absconder status, and could not be located. *See* text entry dated March 9, 2023. Clow then moved to withdraw as plaintiff's counsel due to his inability to reach him (Doc. No. 77). Clow's motion is granted, and he is relieved as counsel.

On March 13, 2023, defendants Roy L. Williams and Fidel Cobb moved to dismiss this case due to the plaintiff's failure to prosecute (Doc. No. 80). Defendants cite his failure to appear at a scheduled settlement conference, *see* Fed. R. Civ. P. 16(f) & 37(b)(2)(A), his failure to maintain contact with his attorney, and his failure maintain a current address with the Court, *see* Local Rule 5.5. The Court agrees that this action should be dismissed due to the plaintiff's failure to prosecute and to comply with Local Rule 5.5(c)(2). *See Miller v. Benson*, 51 F.3d 166, 168 (8th

Cir. 1995) (District courts have inherent power to dismiss *sua sponte* a case for failure to prosecute, and exercise of that power is reviewed for abuse of discretion).

IT IS THEREFORE ORDERDED THAT the defendants' motion to dismiss (Doc. No. 80) is granted and this case is DISMISSED WITH PREJUDICE.

DATED this 14th day of March, 2023.



UNITED STATES DISTRICT JUDGE